UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BONZO, BRYCE P

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/624,239	D'IPPOLITO ET AL.
	Examiner	Art Unit
	Bryce P Bonzo	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10 December 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*24 July 2000*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

NON-FINAL REJECTION

Status of the Claims

All previous rejections to the claims are vacated.

All previous indications of allowable matter are vacated.

Claims 1-7 and 22-31 and 46-49 are newly rejected under 35 USC §102(e).

Claims 8-20 and 32-44 and 45 are newly rejected under 35 USC §103.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 22-31 and46-49 are rejected under 35 U.S.C. 102(e) as being

anticipated by Walker (United States Patent No. 5,963,911).

As per claim 1, Walker discloses:

A method comprising producing signals for concurrently indicating a plurality of

system problems (column 6, lines 25-28: jobs requiring attention) and problem priority

information associated with said systems problems, in response to data representative

of system conditions (column 6, lines 29-36: conditions to the determine which job

should take priority).

As per claim 2, Walker discloses:

wherein producing signals for depicting problem priority information comprises

quantifying a relative importance of said system problems (column 7, lines 25-29:

quantifies the problem data into common units).

As per claim 3, Walker discloses:

producing signals which represent a cost associated with at least one problem

(column 6, lines 49-column 7, line 10 describe cost specifically).

As per claim 4, Walker discloses:

wherein producing signals which represent a cost, comprises determining service

level agreement penalties associated with breaches of service level agreement clauses

(column 6, lines 55-63: "penalty may be a real monetary cost if compensation is payable

to a customer for failure to meet a time" describes a type of service level agreement,

that repairs are timely).

As per claim 5, Walker discloses:

producing signals indicating performance degradation information (column 16, lines 30-31: "to an alarm generated by the fault monitoring system") and service violation information associated with a root cause of one said plurality of system problems (column 6, lines 54-58 describe service level violations; and every error has an associated root cause, and of particular note is the claim only recites that an inherent association exists, not that the system determined this association).

As per claim 6, Walker discloses:

receiving from an alarm correlator an indication of an alarm associated with a root cause of a problem (column 6, lines 13-15).

As per claim 7, Walker discloses:

wherein producing signals comprises producing signals for use by a display device for producing a display image (column 6, line 6: the video display unit).

Claim 22 is the computer readable medium which carries the method of claim 1, and is rejected on the same grounds as claim 1.

Claim 23 is the computer readable signal which carries out the method of claim 1, and is rejected on the same grounds as claim 1.

Claim 24 is apparatus in means plus function form which carries out the method of claim 1, and is rejected on the same grounds as claim 1.

Claims 25-31 are apparatus which carries out the method of claim 1, and is rejected on the same grounds as claims 1-7.

As per claim 46, Walker discloses:

A method comprising producing signals for concurrently indicating a plurality of system problems (column 6, lines 25-28: jobs requiring attention) and problem priority information associated with said systems problems, in response to data representative of current system conditions (column 6, lines 29-36: conditions to the determine which job should take priority).

Claim 48 is the apparatus which carries out the method of claim 1, and is rejected on the same grounds as claim 46.

Claims 47 and 49 the composed of the limitations outlined in claims 3 and 27, lacking the intervening claim 2 and 26 respectively, and are rejected on the same grounds of the more narrow claims 3 and 27.

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-20 and 32-44 and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Walker (United States Patent No 5,963,911) in view of Douik (United

States Patent No. 6,012,152).

As per claim 8, Walker discloses:

performance degradation information, alarm information and service violation

information (column 6 discloses numerous example of alarm, performance and service

information).

Walker does not explicitly disclose:

user selection of at least one of performance degradation information, alarm

information and service violation information, *for concurrent display with an associated*

system problem. Douik discloses this concept at column 25, lines 19-26; column 27,

lines 43-52; and, column 28, lines 26-30. Walker provides for a display and describes a

system for notifying technicians for a task. The display is the only notification system in

the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for

the nee for display mechanism of some sort. Douik provides a fully functional display

apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and therefore create a more user friendly system which sows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

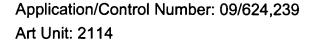As per claim 9, Walker discloses the use of:

performance degradation information and service violation in formation (column 6).

Walker does not explicitly disclose the:

wherein *producing signals for depicting problem priority information* comprises *producing signals for depicting* at least one of performance degradation information and service violation in formation. Douik discloses this concept at column 25, lines 19-26; column 27, lines 43-52; and, column 28, lines 26-30. Walker provides for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the nee for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and therefore create a more user friendly system

which sows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

As per claim 10, Walker discloses:

wherein producing signals for depicting problem priority information comprises correlating at least one of performance degradation information and service violation information to identify said problem priority information associated with said system problems (column 6, lines 44-63).

As per claims 11, Walker discloses:

wherein producing signals for depicting problem priority information comprises correlating at least one of performance degradation information and service violation information to identify said problem priority information associated with said system problems (column 6, lines 44-63).

As per claim 12, Walker discloses:

receiving a plurality of alarm packets (column 6, lines 12-15).

As per claim 13, Walker discloses:

receiving a plurality of performance degradation data units for providing said performance degradation information (column 6, lines 12-15).

As per claim 14, Walker discloses:

receiving a plurality of service violation data units for providing service violation information (column 6, lines 53-64).

As per claim 15, Walker discloses:

receiving alarm data units for providing alarm information receiving performance degradation data units for providing performance degradation information and receiving service violation data units for providing service violation information (column 6, lines 12-14 and column 6, lines 53-64).

As per claim 16, Walker discloses:

associating at least one of said performance degradation information and said service violation information with one of said system problems (column 7, lines 35-59).

As per claim 17, Walker discloses:

producing signals representing a count of at least one of said alarm data units, said performance degradation data units and service violation data units related to said one of said system problems (column 7, lines 25-31).

As per claim 18, Walker discloses:

system problem hierarchy (column 6 discloses a complete ranking system for problems) including at least one system problem and at least one of performance

degradation information, alarm information and service violation information associated with a selected one of said problem objects (column 6, discloses many criteria for ranking the problems including these).

Walker does not explicitly disclose:

producing signals comprises producing signal for displaying a system problem hierarchy including at least one system problem and at least one of performance degradation information, alarm information and service violation information associated with a selected one of said problem objects. Douik discloses this concept at column 34, lines 25-28; column 35, lines 40-60; column 38, lines 1-6; column 35, lines 19-23). Walker provides for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the nee for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and therefore create a more user friendly system which sows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

As per claim 19, Walker does not explicitly disclose:

further comprising transmitting said signals to a display device for use in producing a visual display. Douik discloses this concept at column 25, lines 19-26;

column 27, lines 43-52; and, column 28, lines 26-30. Walker provides for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the nee for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of Walker and therefore create a more user friendly system which sows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

As per claim 20, Walker does not explicitly disclose:

further comprising producing a display image in response to said signals. Douik discloses this concept at column 25, lines 19-26; column 27, lines 43-52; and, column 28, lines 26-30. Walker provides for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the nee for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling system of

Walker and therefore create a more user friendly system which sows not only the prioritized tasks, but also user selected data in a easy to use hierarchy.

Claims 32-44 are the apparatus which carries out the method of claim 1, and are rejected on the same grounds as claims 8-20.

As per claim 45, Walker discloses:

a) a receiver for receiving data representative of system conditions (as shown in claim 1);

b) a signal generator for producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems, response to said data (as shown in claim 1).

Walker does not disclose:

c) a display device for producing a visual image in response to said signals.

Douik discloses this concept at column 25, lines 19-26; column 27, lines 43-52; and, column 28, lines 26-30. Walker provides for a display and describes a system for notifying technicians for a task. The display is the only notification system in the scheduling of Walker. One of ordinary skill can clearly see Walker's intimation for the nee for display mechanism of some sort. Douik provides a fully functional display apparatus intended for displaying large amounts of QoS, alarm and technical data to a user. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the enhanced display mechanism for Douik into the scheduling

system of Walker and therefore create a more user friendly system which sows not only

the prioritized tasks, but also user selected data in a easy to use hierarchy.

Response to Arguments

In light of rejections newly set forth in this Official Action, Applicant's are

arguments are considered moot. This action is **Non-Final** as a result of the introduction

of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-

4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P Bonzo
Examiner
Art Unit 2114

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